THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.21485 OF 1998

Between:

Chakka Sudarsana Rao, Railpet, Guntur.

…….Petitioner

Vs.

The Chairman, State Level Police Recruitment Board, Office Of the Director General & Inspector General of Police, Hyderabad and three others.

……..Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.21485 OF 1998

O R D E R:

This writ petition is filed seeking writ of Mandamus declaring the action of the respondents in constituting a Selection Committee headed by Police Department Personnel as arbitrary, illegal and violative of Article 14 of the Constitution of India, apart from being contrary to the judgment of the Supreme Court and consequently to direct the respondents to re-conduct selections to the posts of Assistant Public Prosecutors by re-constituting a Selection Committee in this regard.

It appears that in pursuance of a notification issued by the first respondent on 03.02.1997 and 15.03.1997, the petitioner applied for the post of Assistant Public Prosecutor. Under both the notifications, as many as 141 vacancies of Assistant Public Prosecutors were sought to

be filled up.

According to the petitioner, under 33 1/3 percent of the reservations meant for women candidates, already 47 vacancies were earmarked and there after, in the category of SCs., though 21 posts are reserved, '7' among them were earmarked for women. Thus, the women quota was exceeding 33 1/3%. Therefore, reserving '7' vacancies for women among Scheduled Caste candidates was arbitrary and illegal. Apart from that, the very constitution of the Selection Committee with the police personnel therein was bad in law. It is also the case of the petitioner that though he stood as a meritorious among the selected candidates, in view of excess reservation for women candidates among SC., candidates, he lost his chances of appointment.

The respondents filed a detailed counter affidavit denying the allegations made by the petitioner and further asserted that since 33 1/3% of reservation has been strictly followed as per Rule 22-A of Andhra Pradesh State & Subordinate Service Rules, 1996 (for short 'the Rules') issued under Article 309 of the Constitution of India, there is no force in the contention of the petitioner that the reservation made through G.Os., instead of enactment is un-constitutional. Further, it is asserted that in the State of Andhra Pradesh, the Assistant Public Prosecutors are now working under the control of the independent authority, namely, the Director of

Prosecutor. Section 25 Cr.P.C., did not lay any specific authority under the control of the State Government to process the applications and to conduct interviews for the purpose of appointment of Assistant Public Prosecutors. In the judgment relied upon by the petitioner in **S.B.SAGABE ABD ITGERS VS. STATE OF MAHARASTRA**[1], the Apex Court held that the Assistant Public Prosecutors cannot be allowed to continue to function under the control of the Head of the Police Department, but there was nothing to show that a Selection Committee shall not be constituted comprising of police personnel. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

Heard both sides.

So far as the contention of the petitioner that there was excess of reservations in respect of S.C., candidates, absolutely, no material is placed before the Court, except making certain allegations that enbloc reservations were made for woman candidates. It is also stated that out of 141 vacancies, 21 posts were reserved for SCs., in which 7 posts were again reserved for women. May be, among 141 vacancies, 47 were reserved for women, by taking into consideration 33 1/3% reservation as contemplated under Rule 22-A of the Rules. But, this was vertical reservation. It appears, when it was taken horizontally among 21 posts reserved for SCs., 7 posts were allocated to women (SC) candidates, taking into consideration 33 1/3% reservation.

Therefore, the contention of the petitioner that there was excess reservation made in favour of women candidates, particularly for SC women is mis-conceived.

In so far as the Constitution of the Selection Committee is concerned, the petitioner never raised any objection at the time of subjecting himself to the selection process. In fact, as per the notification and as per the Constitution of the Selection Committee, the petitioner appeared before the Committee and now it may not be fair on his part to turn-round and say that the very Selection Committee before whom he appeared is an illegal one. I am of the opinion that no ground is made out for granting the relief as prayed for by the petitioner.

The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU J.,

Dt.19.09.2007
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[1]) AIR 1995 SC 1628